

ASSEMBLY BILL

No. 2910

Introduced by Assembly Member Frommer

February 25, 2002

An act to amend Section 6604.1 of the Welfare and Institutions Code, relating to sexually violent predators.

LEGISLATIVE COUNSEL'S DIGEST

AB 2910, as introduced, Frommer. Sexually violent predators: extended commitment.

Existing law defines a “sexually violent predator” as a person who has been convicted of a sexually violent offense against two or more victims, and who has a diagnosed mental disorder that makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior.

Existing law establishes a procedure by which a person under the jurisdiction of the Department of Corrections may be referred, at least 6 months prior to the person’s scheduled date for release from prison, for evaluation by the State Department of Mental Health if the director determines that the person may be a sexually violent predator, as defined.

Existing law provides that if the person is found beyond a reasonable doubt to be a sexually violent predator, the person may be committed to the custody of the State Department of Mental Health for 2 years for treatment and confinement in a secure facility and must not be kept in actual custody longer than 2 years unless a subsequent extended commitment is obtained from the court incident to the filing of a petition for extended commitment, as prescribed.

Existing law provides that the 2-year term of commitment, as prescribed, is required to commence on the date on which the court issues the initial order of commitment. For any subsequent extended commitments, the term of commitment would be for 2 years commencing on the date of the termination of the previous commitment.

This bill would add to that provision the requirement that if proceedings have been delayed or continued at the request of the patient or the patient's attorney, the term of the subsequent commitment would be for 2 years commencing on the date of the order of extended commitment.

Existing law also makes provision for an evaluation to be performed by persons designated by the department.

This bill would provide that the Director of Mental Health may obtain and review all available information regarding the person and make his or her recommendation, independent of the recommendation of the designated evaluators, regarding whether the person should be subjected to extended commitment.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6604.1 of the Welfare and Institutions
2 Code is amended to read:
3 6604.1. (a) The two-year term of *initial* commitment
4 provided for in Section 6604 shall commence on the date upon
5 which the court issues the initial order of commitment pursuant to
6 that section. The initial two-year term shall not be reduced by any
7 time spent in a secure facility prior to the order of commitment. For
8 any subsequent extended commitments, the term of commitment
9 shall be for two years commencing ~~from~~ on the date of the
10 termination of the previous commitment, *unless the proceedings*
11 *have been delayed or continued at the request of the patient or the*
12 *patient's attorney, in which case the term of the subsequent*
13 *commitment shall be for two years commencing on the date of the*
14 *order of extended commitment.*
15 (b) The person shall be evaluated by two practicing
16 psychologists or psychiatrists, or by one practicing psychologist
17 and one practicing psychiatrist, designated by the State



1 Department of Mental Health. The provisions of subdivisions (c)
2 to (i), inclusive, of Section 6601 shall apply to evaluations
3 performed for purposes of extended commitments, *except that the*
4 *Director of Mental Health may obtain and review all available*
5 *information regarding the person and make his or her*
6 *recommendation, independent of the recommendation of the*
7 *designated evaluators, regarding whether the person should be*
8 *subjected to extended commitment.* The rights, requirements, and
9 procedures set forth in Section 6603 shall apply to extended
10 commitment proceedings.

